

REMARKS

The Applicant respectfully requests reconsideration of the present Application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1-34 have been amended.

Claims 56-67 have been added to present claims of varying scope.

This amendment adds, changes and/or deletes claims in this Application. A detailed listing of claims that are, or were, in the Application, irrespective of whether the claim(s) remain under examination in the Application, is presented, with an appropriate defined status identifier.

Claims 1-34 and 56-67 are now pending in this Application.

The Applicant believes that the present Application is now in condition for allowance. Favorable reconsideration of the Application as amended is respectfully requested.

Claim Rejections – 35 U.S.C. § 102

Claims 1-2, 4, 6 and 10-11

On page 2 of the Office Action, the Examiner rejected Claims 1-2, 4, 6 and 10-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,517,168 titled “Wheel Cover Having Interchangeable Turbine Pocket Inserts” to Van Houten (“Van Houten”).

The Examiner stated that:

[Van Houten] teaches an article such as a wheel cover for a vehicle having interchangeable inserts snapped into turbine pockets of a wheel cover, so as to provide a variety of decorative contrasts between the turbine pockets and the rest of the vehicle wheel cover. An array of apertures, vents, or turbine pockets are disposed about the wheel cover. The turbine pockets are openings that extend through the wheel cover or alternatively can be closed depressions in one of the inboard or outboard surfaces of the wheel cover and the turbine pockets may take on any number of various geometries (which may be interpreted as characteristic of different shapes) so that many different ornamental designs can be provided. See col. 5, lines 15-22.

The Examiner concluded that “Claims 1-2, 4, 6 and 10-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Van Houten.”

Van Houten is directed to a “wheel cover having interchangeable turbine pocket inserts” including “interchangeable inserts snapped into turbine pockets of a wheel cover” (emphasis added) (see Background of the Invention, at col. 1, lines 23-24; and Figures 1-4). Van Houten provides that “[t]he pocket insert 50 includes a circumferential periphery 52 that generally corresponds to the shape of the turbine pockets 28 of the wheel cover 20” (see col. 5, lines 42-44; and Figures 1-4). As shown in Figure 1 of Van Houten, (only) one insert is disposed within each pocket (see Figure 1). Van Houten is directed to “[a] wheel cover assembly having an array of pocket inserts correspondingly disposed within an array of turbine pockets of a wheel cover” (see Abstract; and Figures 1-4).

Claim 1 recites a “medallion for association with a motor vehicle” wherein, in combination with other elements, “the medallion is formed with one of the plurality of unique ornamental appearances by selection and installation within a first depression of the base of at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts.” Claims 2, 4, 6 and 10-11 depend from independent Claim 1.

Van Houten does not identically disclose a “medallion for association with a motor vehicle” wherein, among other elements, “the medallion is formed with one of the plurality of unique ornamental appearances by selection and installation within a first depression of the base of at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts” as recited in independent Claim 1. The rejection of Claim 1 over Van Houten is improper. Claim 1 is patentable over Van Houten.

Dependent Claims 2, 4, 6 and 10-11, which depend from independent Claim 1, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 1-2, 4, 6 and 10-11 under 35 U.S.C. § 102(b)

Claims 15-17, 19, 23 and 25

On page 5 of the Office Action, the Examiner rejected Claims 15-17, 19, 23 and 25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,517,168 titled “Wheel Cover Having Interchangeable Turbine Pocket Inserts” to Van Houten (“Van Houten”).

The Examiner stated that:

[Van Houten] teaches an article such as a wheel cover for a vehicle having interchangeable inserts snapped into turbine pockets of a wheel cover, so as to provide a variety of decorative contrasts between the turbine pockets and the rest of the vehicle wheel cover. An array of apertures, vents, or turbine pockets are disposed about the wheel cover. The turbine pockets are openings that extend through the wheel cover or alternatively can be closed depressions in one of the inboard or outboard surfaces of the wheel cover and the turbine pockets may take on any number of various geometries so that many different ornamental designs can be provided. See col. 5, lines 15-22.

The Examiner concluded that “Claims 15-17, 19, 23 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by [Van Houten].”

Van Houten is directed to a “wheel cover having interchangeable turbine pocket inserts” including “interchangeable inserts snapped into turbine pockets of a wheel cover” (emphasis added) (see Background of the Invention, at col. 1, lines 23-24; and Figures 1-4). Van Houten provides that “[t]he pocket insert 50 includes a circumferential periphery 52 that generally corresponds to the shape of the turbine pockets 28 of the wheel cover 20” (see col. 5, lines 42-44; and Figures 1-4). As shown in Figure 1 of Van Houten, (only) one insert is disposed within each pocket (see Figure 1). Van Houten is directed to “[a] wheel cover assembly having an array of pocket inserts correspondingly disposed within an array of turbine pockets of a wheel cover” (see Abstract; and Figures 1-4).

Claim 15 recites a “set of articles for association with motor vehicles” wherein, in combination with other elements, “the article is formed with one of a plurality of unique ornamental appearances by selection and installation within a first depression of one of the bases at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts.” Claims 16-17, 19, 23 and 25 depend from independent Claim 15.

Van Houten does not identically disclose a “set of articles for association with motor vehicles” wherein, among other elements, “the article is formed with one of a plurality of unique ornamental appearances by selection and installation within a first depression of one of the bases at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts” as recited in independent Claim 15. The rejection of Claim 15 over Van Houten is improper. Claim 15 is patentable over Van Houten.

Dependent Claims 16-17, 19, 23 and 25, which depend from independent Claim 15, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 15-17, 19, 23 and 25 under 35 U.S.C. § 102(b)

Claim Rejections – 35 U.S.C. § 103(a)

Claims 3, 5, 7-9 and 12-14

On page 3 of the Office Action the Examiner rejected Claims 3, 5, 7-9, and 12-14 as being unpatentable over U.S. Patent No. 6,517,168 titled “Wheel Cover Having Interchangeable Turbine Pocket Inserts” to Van Houten (“Van Houten”) under 35 U.S.C. § 103(a).

Claim 1 recites a “medallion for association with a motor vehicle” wherein, in combination with other elements, “the medallion is formed with one of the plurality of unique ornamental appearances by selection and installation within a first depression of the base of at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts.” Claims 3, 5, 7-9 and 12-14 depend from independent Claim 1.

Van Houten is directed to a “wheel cover having interchangeable turbine pocket inserts” including “interchangeable inserts snapped into turbine pockets of a wheel cover” (emphasis added) (see Background of the Invention, at col. 1, lines 23-24; and Figures 1-4). Van Houten provides that “[t]he pocket insert 50 includes a circumferential periphery 52 that generally corresponds to the shape of the turbine pockets 28 of the wheel cover 20” (see col. 5, lines 42-44; and Figures 1-4). As shown in Figure 1 of Van Houten, (only) one insert is disposed

within each pocket (see Figure 1). Van Houten is directed to “[a] wheel cover assembly having an array of pocket inserts correspondingly disposed within an array of turbine pockets of a wheel cover” (see Abstract; and Figures 1-4).

The “medallion for association with a motor vehicle” recited in independent Claim 1 (as amended) would not have been obvious in view of Van Houten, alone or in any proper combination under 35 U.S.C. § 103(a). Van Houten alone or in any proper combination does not disclose, teach or suggest a “medallion for association with a motor vehicle” wherein, in combination with other elements, “the medallion is formed with one of the plurality of unique ornamental appearances by selection and installation within a first depression of the base of at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts.” To transform the “wheel cover having interchangeable turbine pocket inserts” of Van Houten into a “medallion for association with a motor vehicle” (as recited in Claim 1) would require still further modification, and such modification is taught only by the Applicant’s own disclosure. The suggestion to make the “medallion for association with a motor vehicle” has been taken from the Applicant’s own specification (using hindsight), which is improper.

The “medallion for association with a motor vehicle” recited in independent Claim 1, considered as a whole, would not have been obvious in view of Van Houten. The rejection of Claim 1 over Van Houten under 35 U.S.C. § 103(a) would be improper. Therefore, Claim 1 is patentable over Van Houten.

Dependent Claims 3, 5, 7-9, and 12-14, which depend from independent Claim 1, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 3, 5, 7-9, and 12-14 under 35 U.S.C. § 103(a).

Claims 18, 20-22, 24 and 26-27

On page 6 of the Office Action the Examiner rejected Claims 18, 20-22, 24, and 26-27 as being unpatentable over U.S. Patent No. 6,517,168 titled “Wheel Cover Having

Interchangeable Turbine Pocket Inserts” to Van Houten (“Van Houten”) under 35 U.S.C. § 103(a).

Claim 15 recites a “set of articles for association with motor vehicles” wherein, in combination with other elements, “the article is formed with one of a plurality of unique ornamental appearances by selection and installation within a first depression of one of the bases at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts.” Claims 18, 20-22, 24, and 26-27 depend from independent Claim 15.

Van Houten is directed to a “wheel cover having interchangeable turbine pocket inserts” including “interchangeable inserts snapped into turbine pockets of a wheel cover” (emphasis added) (see Background of the Invention, at col. 1, lines 23-24; and Figures 1-4). Van Houten provides that “[t]he pocket insert 50 includes a circumferential periphery 52 that generally corresponds to the shape of the turbine pockets 28 of the wheel cover 20” (see col. 5, lines 42-44; and Figures 1-4). As shown in Figure 1 of Van Houten, (only) one insert is disposed within each pocket (see Figure 1). Van Houten is directed to “[a] wheel cover assembly having an array of pocket inserts correspondingly disposed within an array of turbine pockets of a wheel cover” (see Abstract; and Figures 1-4).

The “set of articles for association with motor vehicles” recited in independent Claim 15 (as amended) would not have been obvious in view of Van Houten, alone or in any proper combination under 35 U.S.C. § 103(a). Van Houten alone or in any proper combination does not disclose, teach or suggest a “set of articles for association with motor vehicles” wherein, in combination with other elements, “the article is formed with one of a plurality of unique ornamental appearances by selection and installation within a first depression of one of the bases at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts.” To transform the “wheel cover having interchangeable turbine pocket inserts” of Van Houten into a “set of articles for association with motor vehicles” (as recited in Claim 15) would require still further modification, and such modification is taught only by the Applicant’s own disclosure. The suggestion to make the “set of articles for association with motor vehicles” has been taken from the Applicant’s own specification (using hindsight), which is improper.

The “set of articles for association with motor vehicles” recited in independent Claim 15, considered as a whole, would not have been obvious in view of Van Houten. The rejection of Claim 15 over Van Houten under 35 U.S.C. § 103(a) would be improper. Therefore, Claim 15 is patentable over Van Houten.

Dependent Claims 18, 20-22, 24, and 26-27, which depend from independent Claim 15, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 18, 20-22, 24, and 26-27 under 35 U.S.C. § 103(a).

Claim Rejections 35 U.S.C. §§ 102(b)/103(a) – Claims 28-34

On pages 7-9 of the Office Action the Examiner rejected Claims 28-29, 32 and 34 under 35 U.S.C. § 102(b) as being anticipated by Van Houten and rejected Claims 30, 31 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Van Houten.

The Examiner stated that:

[Van Houten] teaches an article such as a wheel cover having interchangeable inserts snapped into turbine pockets of a wheel cover, so as to provide a variety of decorative contrasts between the turbine pockets and the [rest] of the vehicle wheel cover. An array of apertures, vents, or turbine pockets are disposed about the wheel cover. The turbine pockets are openings that extend through the wheel cover or alternatively can be closed depressions in one of the inboard or outboard surfaces of the wheel cover and the turbine pockets may take on any number of various geometries so that many different ornamental designs can be provided. See col. 5, lines 15-22.

Van Houten is directed to a “wheel cover having interchangeable turbine pocket inserts” including “interchangeable inserts snapped into turbine pockets of a wheel cover” (emphasis added) (see Background of the Invention, at col. 1, lines 23-24; and Figures 1-4). Van Houten provides that “[t]he pocket insert 50 includes a circumferential periphery 52 that generally corresponds to the shape of the turbine pockets 28 of the wheel cover 20” (see col. 5, lines 42-44; and Figures 1-4). As shown in Figure 1 of Van Houten, (only) one insert is disposed within each pocket (see Figure 1). Van Houten is directed to “[a] wheel cover assembly having

an array of pocket inserts correspondingly disposed within an array of turbine pockets of a wheel cover” (see Abstract; and Figures 1-4).

Claim 28 (as amended) recites an “article” wherein, in combination with other elements, “the article is formed with one of the plurality of unique ornamental appearances by selection and installation within a first depression of the base of at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts.”

Claims 29-34 depend from independent Claim 28.

Van Houten does not identically disclose an “article” wherein, among other elements, “the article is formed with one of the plurality of unique ornamental appearances by selection and installation within a first depression of the base of at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts” as recited in independent Claim 28. The rejection of Claim 28 over Van Houten is improper. Claim 28 is patentable over Van Houten.

Dependent Claims 29, 32 and 34, which depend from independent Claim 28, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 28-29, 32 and 34 under 35 U.S.C. § 102(b)

Further, The “article” recited in independent Claim 28 (as amended) would not have been obvious in view of Van Houten, alone or in any proper combination under 35 U.S.C. § 103(a). Van Houten alone or in any proper combination does not disclose, teach or suggest an “article” wherein, in combination with other elements, “the article is formed with one of the plurality of unique ornamental appearances by selection and installation within a first depression of the base of at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts.” To transform the “wheel cover having interchangeable turbine pocket inserts” of Van Houten into an “article” (as recited in Claim 28) would require still further modification, and such modification is taught only by the Applicant’s own disclosure. The suggestion to make the “article” has been taken from the Applicant’s own specification (using hindsight), which is improper.

The “article” recited in independent Claim 28, considered as a whole, would not have been obvious in view of Van Houten. The rejection of Claim 28 over Van Houten under 35 U.S.C. § 103(a) would be improper. Therefore, Claim 28 is patentable over Van Houten.

Dependent Claims 30, 31 and 33, which depend from independent Claim 28, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 30, 31 and 33 under 35 U.S.C. § 103(a).

Claim Rejections 35 U.S.C. § 103(a) – Claims 1-34

On page 9 of the Office Action the Examiner rejected Claims 1-34 as being unpatentable over U.S. Patent No. 4,556,588 titled “Decorative Emblem Useful in Customizing an Automobile and Other Surface” to Rockwood (“Rockwood”) or U.S. Patent No. 6,434,873 titled “Ornamental Display for Achievement Awards” to Pierce (“Pierce”) in view of U.S. Patent No. 6,517,168 titled “Wheel Cover Having Interchangeable Turbine Pocket Inserts” to Van Houten (“Van Houten”) under 35 U.S.C. § 103(a).

The Examiner stated that:

Rockwood teaches an emblem made of two parts, a base and a capped inlay. The inlay is attached to the base member with a layer of an adhesive which is coated on the reverse side of foil member and which is the same as or similar to the adhesive layer. The reference teaches a rim may be provided around the base and the inlay may be sapped into place in the base member. See col. 3, lines 1-11.

Pierce teaches a decorative display comprising a cavity wherein the [] insert is placed into the space defined by the cavity. The insert may be an embossed paper, embossed cardboard, embossed plastic, stamped metal sheet, a hologram and combinations thereof.

The Examiner stated that “Rockwood and Pierce teach an emblem or a decorative display wherein a[] decorative insert may be placed in the space defined by cavity.”

The Examiner acknowledged that “Rockwood or Pierce do not require a plurality of inserts having different characteristics.” The Examiner stated that:

Van Houten teaches an article such as a wheel cover having interchangeable inserts snapped into turbine pockets of a wheel cover, so as to provide a variety of decorative contrasts between the turbine pockets and the rest of the vehicle wheel cover.

The Examiner concluded that:

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the emblem of Rockwood or the display device of Pierce by providing more cavities or depressions and placing the desired number of interchangeable decorative inserts in the cavities or depressions as taught by Van Houten to provide, for example, a vehicle to which the emblem or decorative display may be attached in order to give unique or the desired look and/or visual effect.

Rockwood is directed to “a decorative emblem useful in customizing an automobile, said emblem being sufficiently flexible to conform to the curvature of a surface by hand pressure alone and comprising a base member and a graphic-bearing inlay, said base member being formed from a hand deformable thermosetting plastic, said inlay including a foil member having a graphic on one surface thereof and having a translucent flexible plastic cap overlaying said graphic surface and providing a lens effect thereto” (Abstract).

Pierce is directed to “an ornamental display for use most typically as an achievement award” (Abstract).

Van Houten is directed to a “wheel cover having interchangeable turbine pocket inserts” including “interchangeable inserts snapped into turbine pockets of a wheel cover” (emphasis added) (see Background of the Invention, at col. 1, lines 23-24; and Figures 1-4). Van Houten provides that “[t]he pocket insert 50 includes a circumferential periphery 52 that generally corresponds to the shape of the turbine pockets 28 of the wheel cover 20” (see col. 5, lines 42-44; and Figures 1-4). As shown in Figure 1 of Van Houten, (only) one insert is disposed within each pocket (see Figure 1). Van Houten is directed to “[a] wheel cover assembly having

an array of pocket inserts correspondingly disposed within an array of turbine pockets of a wheel cover” (see Abstract; and Figures 1-4).

The “medallion for association with a motor vehicle” recited in independent Claim 1 (as amended) would not have been unpatentable over Rockwood or Pierce, alone or in any proper combination with Van Houten under 35 U.S.C. § 103(a). Rockwood or Pierce, alone or in any proper combination with Van Houten, do not disclose, teach or suggest a “medallion for association with a motor vehicle” wherein, in combination with other elements, “the medallion is formed with one of the plurality of unique ornamental appearances by selection and installation within a first depression of the base of at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts.” To transform the “decorative emblem useful in customizing an automobile and other surfaces” of Rockwood or the “ornamental display for achievement awards” of Pierce and the “wheel cover having interchangeable turbine pocket inserts” of Van Houten into a “medallion for association with a motor vehicle” (as recited in Claim 1) would require still further modification, and such modification is taught only by the Applicant’s own disclosure. The suggestion to make the “medallion for association with a motor vehicle” has been taken from the Applicant’s own specification (using hindsight), which is improper.

The “set of articles for association with a motor vehicle” recited in independent Claim 15 (as amended) would not have been unpatentable over Rockwood or Pierce, alone or in any proper combination with Van Houten under 35 U.S.C. § 103(a). Rockwood or Pierce, alone or in any proper combination with Van Houten, do not disclose, teach or suggest a “set of articles for association with a motor vehicle” wherein, in combination with other elements, “the article is formed with one of a plurality of unique ornamental appearances by selection and installation within a first depression of one of the bases at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts.” To transform the “decorative emblem useful in customizing an automobile and other surfaces” of Rockwood or the “ornamental display for achievement awards” of Pierce and the “wheel cover having interchangeable turbine pocket inserts” of Van Houten into a “set of articles for association with a motor vehicle” (as recited in Claim 15) would require still further modification, and such

modification is taught only by the Applicant's own disclosure. The suggestion to make the "set of articles for association with a motor vehicle" has been taken from the Applicant's own specification (using hindsight), which is improper.

The "article" recited in independent Claim 28 (as amended) would not have been unpatentable over Rockwood or Pierce, alone or in any proper combination with Van Houten under 35 U.S.C. § 103(a). Rockwood or Pierce, alone or in any proper combination with Van Houten, do not disclose, teach or suggest an "article" wherein, in combination with other elements, "the article is formed with one of the plurality of unique ornamental appearances by selection and installation within a first depression of the base of at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts." To transform the "decorative emblem useful in customizing an automobile and other surfaces" of Rockwood or the "ornamental display for achievement awards" of Pierce and the "wheel cover having interchangeable turbine pocket inserts" of Van Houten into an "article" (as recited in Claim 15) would require still further modification, and such modification is taught only by the Applicant's own disclosure. The suggestion to make the "article" has been taken from the Applicant's own specification (using hindsight), which is improper.

The "medallion for association with a motor vehicle" recited in independent Claim 1 (as amended), the "set of articles for association with motor vehicles" recited in independent Claim 15 (as amended), and the "article" recited in independent Claim 28 (as amended) considered as a whole, would not have been unpatentable over Rockwood or Pierce in view of Van Houten. The rejection of Claims 1, 15, and 28 over Rockwood or Pierce in view of Van Houten under 35 U.S.C. § 103(a) is improper. Therefore, Claims 1, 15 and 28 are patentable over Rockwood or Pierce in view of Van Houten.

Dependent Claims 2-14, 16-27, and 29-34 which depend from independent Claims 1, 15, and 28, respectively, are also patentable. See 35 U.S.C. § 112 ¶ 4.

The Applicant respectfully requests withdrawal of the rejection of Claims 1-34 under 35 U.S.C. § 103(a).

New Claims 56-67

New Claims 56-67 have been added to present claims of varying scope. New independent Claim 56 is based on amended independent Claim 1 and is directed to a “system for forming a medallion comprised of a base and inserts installed within the base” wherein, in combination with other elements, “the medallion is formed with one of the plurality of unique ornamental appearances by selection and installation within a first depression of the base of at least one of the first set of inserts, at least one of the second set of inserts, and at least one of the third set of inserts.”

New Claims 56-67 are believed to be patentable over the cited references of record.

* * *

The Applicant respectfully submits that each and every outstanding objection and rejection has been overcome, and the present Application is in a condition for allowance. The Applicant requests reconsideration and allowance of pending Claims 1-34 and 56-67.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present Application.

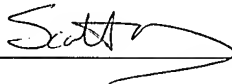
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this Application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to the Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extension fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date

3/19/04

By



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